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*Exempt From Filing Fees Pursuant to Gov't Code § 6103*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
**AUG 22 2018**  
DAVID H. YAMASAKI, Clerk of the Court  
BY: *R. Peace*  
R. PEACE, DEPUTY

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

JOHN DOES 1-58,

Defendant.

Case No. M-17638

ASSIGNED FOR ALL PURPOSES TO  
JUDGE PRICKETT  
DEPARTMENT C35

**DECLARATION OF COMMANDER  
JOSEPH BALICKI**

I, Joseph Balicki, declare as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts stated in this declaration, unless the facts are stated on information and belief, in which case I believe them to be true. If called to testify, I could and would competently testify to the facts contained herein.

2. I am a Commander in the Orange County Sheriff-Coroner Department ("Sheriff") and oversee the division that administers the Sheriff's contract with Global Tel\*Link Corporation ("GTL").

3. The Sheriff became aware that GTL recorded 1,079 inmate calls that may contain attorney-client privileged information. See Attachment A.

4. After learning this information, the Sheriff requested that GTL sequester those 1,079

1 telephone calls, making the recordings inaccessible to Sheriff personnel.

2 5. The Sheriff also requested that GTL preserve the 1,079 calls.

3  
4 I declare under penalty of perjury under the laws of the State of California that the foregoing  
5 is true and correct.

6  
7 Executed this 21<sup>st</sup> day of August 2018, at Santa Ana, California.

8  
9 

10 Commander Joseph Balicki

## Exhibit A



Global Tel\* Link Corporation  
www.gtl.net

Corporate Headquarters  
12021 Sunset Hills Road  
Suite 100  
Reston, VA 20190

Operations Center  
107 St. Francis Street  
32nd Floor  
Mobile, AL 36602

July 27, 2018

*Via Email and Overnight Delivery*

Orange County Sheriff's Department  
Attention: Sheriff Sandra Hutchens  
550 N. Flower Street  
Santa Ana, CA 92703

Dear Sheriff Hutchens,

This letter summarizes our recent discussion in which Global Tel\*Link Corporation (GTL) advised the Orange County Sheriff's Department that GTL had recently discovered that, during the transition from the Lazerphone to ICMv platforms in January of 2015, a technical error occurred. This technical error resulted in the inadvertent recording of 1,079 inmate telephone calls made over an approximate three-year period to phone numbers that were designated by the County as "do not record." Parties to those 1,079 calls heard a prompt during each of the calls advising that the call was "subject to monitoring and recording." After conducting research, we have determined that the Sheriff's Department staff, and in certain circumstances GTL for investigative or technical purposes, accessed 58 of those 1,079 recorded calls a total of 87 times.

Upon determining that this error had occurred, GTL immediately took the following corrective action: First, GTL blocked access to these recordings and second, GTL reloaded the list of telephone numbers provided by the County and identified by the County as not to be recorded into the ICMv phone system database so that they are again marked "do not record". As of July 6, 2018, the system platform has been updated so that all phone numbers contained on this list are marked appropriately and will not be recorded. We have preserved the previously-made recordings and will maintain them without providing further access to anyone, should the recordings be needed in furtherance of the County's review of this incident.

GTL is committed to working productively and proactively with the Orange County Sheriff's Department to resolve any issues resulting from these inadvertent recordings, as well as defining a process to ensure that numbers marked as "do not record" are validated and uploaded accordingly. We have reviewed all the telephone numbers whose calls should not be recorded, confirmed the reload of the numbers in our database, and tested the database to ensure that it is functioning properly. As you know, we have previously provided training on the system to the Orange County Sheriff's Department and will continue to provide any refresher training if needed. We also have enhanced our quality assurance program and will conduct additional internal training sessions designed to minimize the possibility of future errors. GTL remains committed to implementing any appropriate changes to our systems, to identify and prevent other problems.

TEEL GTL PRA 084



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GTL values its relationship with Orange County and appreciates your efforts to assist in correcting this issue. Should you have any questions, or need additional information, please do not hesitate to contact me.

Thank you.

A handwritten signature in black ink that reads "Darren Wallace".

Darren Wallace  
Executive Vice President, Operations